

1 BARRY J. PORTMAN
VARELL L. FULLER
2 Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
3 San Jose, CA 95113
Telephone: (408) 291-7753
4 Counsel for Defendant LEONARD FLEMING
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FILED

JAN 31 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,) No. CR 10-00791-DLJ
11)
Plaintiff,) STIPULATION AND ~~PROPOSED~~
12) ORDER TO CONTINUE INITIAL
vs.) APPEARANCE AND ARRAIGNMENT
13)
LEONARD RUSSELL FLEMING,)
14)
Defendants.)
15)

16 **STIPULATION**

17 The parties, by and through their respective counsel, hereby stipulate and jointly request
18 that the defendant's initial appearance and arraignment currently set for Thursday, February 3,
19 2011, at 1:30 p.m., be continued to Tuesday, March 1, 2011, at 9:30 a.m. The Federal Public
20 Defender was appointed pre-charge to represent Mr. Fleming in this matter. The parties jointly
21 request that the Court continue the initial appearance and arraignment set in this matter because
22 Mr. Fleming currently resides in Lackawanna, New York, and presently cannot afford to pay to
23 travel to this district by February 3, 2011, and he requires additional time to arrange and pay for
24 his travel. Accordingly, the parties respectfully request that the Court continue the defendant's
25 initial appearance from February 3, 2011, at 1:30 p.m. to March 1, 2011 at 9:30 a.m.

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1 Dated: January 31, 2011

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/s/
HANLEY CHEW
Assistant United States Attorney

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5 Dated: January 31, 2011

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/s/
VARELL L. FULLER
Assistant Federal Public Defender

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~~PROPOSED~~ ORDER

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10 Good cause appearing and by stipulation of the parties, it is hereby ORDERED that the
11 defendant's initial appearance and arraignment set for Thursday, February 3, 2011, at 1:30 p.m. is
12 continued to Tuesday, March 1, 2011, at 9:30 a.m. before the Honorable Howard R. Lloyd.

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IT IS SO ORDERED.

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Dated: January 31, 2011

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THE HON. PAUL S. GREWAL
United States Magistrate Judge

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